




MICHAEL P. JUDGE
PUBLIC DEFENDER

LAW OFFICES
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TO: THE HONORABLE DON KNABE
Chairperson, L.A. County Board of Supervisors

FROM: MICHAEL P. JUDGE 
Public Defender

DATE: December 3, 2003

RE: MINUTES - EXPANDED STAFF MEETING

Attached is a copy of the Minutes of the Expanded Staff Meeting
of the Office of the Public Defender held on October 9, 2003.

MPJ: fn
Attachment

cc: Each Supervisor
Each Justice Deputy
CAO: Sharon Harper, Chief Deputy



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TO: ALL STAFF

FROM: MICHAEL P. JUDGE
Public Defender

DATE: December 3, 2003

RE: MINUTES - EXPANDED STAFF MEETING

The Expanded Staff Meeting for the Public Defender's Office was held on October 9, 2003. The following are members:

Michael P. Judge
Robert E. Kalunian
Lon Sarnoff
John Vacca
Mel Tennenbaum
Ronald Brown
Mike Concha
Ron Yorizane
Winston Peters
Bernice Hernandez
Rudy Rousseau
Bill Weiss
John Martinez
Laura Green
Kelly Emling
Lita Jacoste
Karen Thompson
Allen Adashek

Gregory Fisher
Diane Parris
Steve Hobson
Marilyn Turner
Alan Abajian
Stu Glovin
Corrine Cortinas
Joan Croker
Janet Yarbrough
Bob Hall
Bill Saul
Doug Love
Bobby Gil
John Gonzales
Gabriel Zaragoza
Darolyn Jensen
Ron White
Carole Whyte

Wendy Edmisten
Mark Lessem
Mike Demby
Marvin Isaacson
Geneva Phillips
Charlie Klum
Stan Shimotsu
John Brock
Cheryl Jones
Mark Windham
Leslie Sterns
Clyde Juloya
Paula Montez
Patricia Aguilar
Haydeh Takasugi
Dennis Yamamoto
Patricia DeLaGuerra
Robert Johnson

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The October 9, 2003 Expanded Staff Meeting was chaired by Public Defender Michael P. Judge.

The following is a summary of the topics that were discussed:

AWARDS PRESENTATION - Michael P. Judge

Mr. Judge congratulated Bureau Chief Mel Tennenbaum on completing 35 years of County service and presented him with a commemorative desk clock

Mr. Judge announced that our own Charlie Gessler has been selected to receive the very prestigious National Legal Aid and Defenders Association, Reginald Heber Smith Award (the "Reggie"). The award presentation is scheduled for next month at the annual National Legal Aid and Defenders Association Convention in Seattle, Washington.

The "Reggie" celebrates the outstanding achievements and dedicated services of an attorney for contributions made while employed by an organization providing civil legal services or public defense services.

SAFE SURRENDER BABY LAW - Marilyn Turner

Ms. Turner discussed California's Safely Surrendered Baby Law which allows parents to give up their baby, provided it has not been abused or neglected, without fear of arrest or prosecution.

The Board of Supervisors is requesting that each department ensure that their current and new employees are made aware of the law.

Two-sided posters (one side in English the other in Spanish) were distributed with instructions that they be posted throughout each office and in public areas of each office location.

JURY DUTY - Marilyn Turner

Ms. Turner announced a recent policy change that relates to permanent non-represented employees only. This includes employees whose positions are covered by or exempt from the requirements of the Fair Labor Standards Act

Effective immediately and at the discretion of the Department Head, the County policy now allows non-represented employees assigned to other than a five day, 40 hour work week schedule, to remain on that schedule while serving jury duty.

Conversely, Non-represented employees who work a flexible work schedule may request the approval of their supervisors to change to the five day, 40 hour work week during the period of time they are required to report for jury duty. In order for such a request to be considered, non-represented employees must submit a request to change their work schedules to their supervisors no later than one work day prior to the beginning of the two-week 9/80 work schedule cycle, which commences upon beginning of jury service. If an employee does not request and receive prior approval, the employee will have waived the ability to change from the 9/80 work schedule. Employees may NOT change work schedules after the first day of the two-week work schedule.

Non-represented employees who do not change to the five day, 40 hour work schedule will be on their own time for each day they serve jury duty on their regular day off (RDO). Jury duty served on a RDO is not work time for overtime purposes or any other purposes.

Mr. Judge sent a letter, dated October 1, 2003, to all Public Defender employees outlining this process. The letter will be included in each employee's October 15, 2003 pay envelope.

TRAINING LEAVE - Michael P. Judge

Mr. Judge discussed his ongoing desire to achieve a consistent, equitable and fair approach when reviewing training leave requests. Although comments and suggestions are encouraged, the following process should be enacted immediately and remain in effect until further notice:

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Upon receiving a request for training leave with pay, the Supervising Head Deputy, (or Manager), should immediately determine whether their operation would be able to function properly in the absence of the individual(s) requesting said leave. The Head Deputy will forward his or her evaluation to the Division Chief, who should have knowledge of other leave requests and staffing at other branches. The Division Chief may re-deploy staff within the division to provide the opportunity for more employees to attend the training.

The Head Deputy will also obtain as much information about the training as possible i.e., an agenda or flyer, outlining the content of the training sessions, the speakers, and any additional information the person applying for the leave may supply. All of the pertinent information concerning the leave will be provided to Training Coordinator Head Deputy Mark Windham. Mr. Windham, will review the information as to the relevance of the curriculum to our practice and the quality of the program and instructors and provide his recommendation as to whether or not the training program should receive credit in terms of leave with pay or without pay. Mr. Windham will also recommend how much leave will be approved whenever training consists of multiple days and /or programs. Mr. Windham will forward his recommendations and all pertinent information collected to Assistant Public Defender Lon Sarnoff. Mr. Sarnoff will make the final decision as well as determine whether a travel day is appropriate in conjunction with the leave for training purposes.

The above procedures are not being implemented in an attempt to deny leave for training purposes, but to ensure that we have a transparent process that is fair to everyone and won't simply depend upon what location the person is assigned. This means the CPDA programs will undergo the same process. For example, some public defender offices handle dependency work, however, our office does not. Therefore, a two day CPDA training program on dependency would likely not be approved. Training programs offered by the Department will have an assessment as to the relevance of the curriculum and the knowledge and skills of the facility built into the process. Mr. Judge solicited input from the various affinity associations and requests that any additional suggestions should be provided to Assistant Public Defender Lon Sarnoff

DOCTOR JAMES RIBE CASES - Robert E. Kalunian

In 1997, it came to light that Dr. James Ribe, a pathologist with the L.A. County Coroner, had what appeared to be an exceptional or unusual tendency at times to change his opinion on cases. In 1998, the Department requested and obtained from the District Attorney the prior cases that Dr. Ribe had been involved in. Special Circumstances Coordinator John Brock sent a letter to each Deputy Public Defender assigned to such cases (along with a copy to the Head Deputy), requesting that they review the file to ensure that the Coroner's testimony was not material or relevant to the case.

Approximately two months ago, a case came out of the Appellate Court in which Dr. Ribe's testimony was relevant in the ultimate conviction of the defendant. Subsequent to the conviction, it was discovered that Brady material with respect to Dr. Ribe was not disclosed by the prosecution. The Appellate Court reversed the case and it was sent back to the trial court. The District Attorney's Office also was chastised by the Appellate Court for not complying with their obligation to disclose under Brady. As a result, the Department is attempting to identify subsequent cases in which Dr. Ribe has been involved. The District Attorney's Office has provided a list of cases in which Dr. Ribe was on a subpoena list, indicating that he was either subpoenaed or going to be subpoenaed at the prelim or at the trial. The Department received a list of 51 cases, which were run on DMS. Of the 51 cases, only 18 were Public Defender cases.

Mr. Kalunian distributed copies of the list of Public Defender cases and requested that Head Deputies review those cases under their jurisdiction and to notify the Deputy Public Defenders who handled the cases and ensure they are aware of Dr. Ribe's issues.

The Department contacted the Coroner and received a list containing 50 cases that Dr. Ribe was not subpoenaed on, and approximately 70 cases in which he was the supervising coroner. This list, however, only provides the decedent's name, date of death, date of the autopsy, and the Coroner's number. There is no defendant's name or a case number. The Department is collaborating with the District Attorney to try and ascertain the defendant's name and case no. for the listed 70 cases.

LEGON INSURANCE COMPANY INSOLVENCY - Robert E. Kalunian

Mr. Kalunian announced at the September 11, 2003, Expanded Staff Meeting that the Legon Insurance Company which has underwritten bail bonds in several hundred cases in Los Angeles County had been declared insolvent. Initially, the Department was informed that there would only be a handful of such cases. Yesterday, September 10, 2003, the Court provided the Department with a list that contained several hundred cases. Of the hundreds of cases, there are approximately 90 cases still pending as of September 1, 2003. Copies of the list were distributed with instructions that the cases be run on DMS and that the Deputy Public Defender of record be alerted. The list is sorted by location in alphabetical order. John Scott of our Appellate section has also posted a memo on the PDWeb concerning the relevant legal issues.

NEW UNFIT MINOR PROTOCOL - Lita Jacoste

Ms. Jacoste distributed copies of the Juvenile Fitness Closing Form which, when completed by the juvenile Deputy Public Defender, will be provided to the adult Deputy Public Defender who will be assigned the case.

Ms. Jacoste stated that in order to enhance communication and coordination of unfit minor cases being tried in adult court, juvenile lawyers who handled these cases will complete the Juvenile Fitness Closing Form and be responsible for contacting the DIC, or Head Deputy, and advising them that the case will be arriving in adult court. Unfortunately our office is not immediately informed in advance of the date the minor will be appearing in adult court. The juvenile attorney can determine where the case will be filed once it is in adult court, however, they are unable to provide an exact date as to when.

Once the juvenile client arrives in adult court, the attorney assigned the case and the juvenile attorney should confer with one another about transferring the file. Until that occurs, the case file will remain at the juvenile office as there may be other charges that remain as juvenile offenses.

If there are any problems or if additional information is requested, please contact Head Deputy Karen Thompson at Juvenile Headquarters.

COMPUTER MENTORS - Lita Jacoste

As part of the Department's Strategic Plan, a computer mentor program is being implemented. This program will consist of volunteers at each office location who are knowledgeable about computers and would be "a-go-to" person at that location. It is anticipated that this will reduce the Help Desk workload and allow Data Systems staff to concentrate on more complex computer problems. Ms. Jacoste stated if she can receive a list of the volunteers by November 15, 2003, she will coordinate a meeting with Public Defender Data Systems. Data Systems will go out to the particular sites and conduct a training session with the volunteers, providing a list of common problems that are frequently called into the Help Desk.

Mr. Judge directed that those individuals who participate in the program as "go-to" resource persons receive credit in their Performance Evaluations in the role attitude category for such service.

BLUE FLU UPDATE - John Vacca

Mr. Vacca discussed the "blue flu" that attacked a number of Sheriff deputies last week, causing them to be absent from work. As a result, County Counsel requested an injunction from an Orange County Judge to prevent such absences. To date, the injunction has not been totally successful, which has resulted in problems and delays in the courts. There is concern expressed by the court that the same deputies who were out sick will call in sick again and other deputies may conduct mass arrests this weekend so that as many defendants as possible will have to be processed in Court on Tuesday or Wednesday.

Mr. Vacca spoke with Judge David Wesley as to the possible impact. The current thinking is that each court district will have one courthouse open. Exactly which court will be the duty court is totally up to the on-site supervising judge to determine. At this time, they do not know how many courtrooms in the courthouse will be open as they do not know how many bailiffs will be available for work. Each Supervising Judge is to present a plan as to how they intend to deal with their cases. When the cases were handled at the CSFCJC and at the other branch courts during last weeks blue flu, the so-called imperative cases were all handled. Imperative cases were defined as last day cases (whether felony or misdemeanor), cases in which there was a trial in process, and to halt the trial would cause damage to either side, and prelims that had commenced and a continuous prelim was not going to be waived by the defendant. The Court has stated that no case is going to be dismissed for failure to commence proceedings. Consequently, this could mean some very long hours for staff.

Mr. Vacca requested that staff be advised of the possibility that they could be working much later hours on Tuesday and Wednesday of next week. It was suggested that they make advance preparations if they have child care issues or other problems that might make it difficult for them to stay until their court closes. Family Law cases are also part of the imperative case group and this will slow down the process at some locations. No one seems to know for sure just how this work action will turn out, but at the very least we should anticipate a lot of disruption and confusion. As for the courthouses that are closed, there should be someone on site advising people of what the procedures are for that particular district.

MILEAGE CERTIFICATION - Wendy Edmisten

Ms. Edmisten distributed copies of the Certification for Mileage Reimbursement Form and requested managers to remind all employees who drive a privately-owned vehicle on County business they must have a "Certification for Mileage Reimbursement" form with valid California driver's license information on file with Fiscal Services. A "Certification for Mileage Reimbursement" form is required for all employees driving on County business regardless if it is the employee's intent to file for mileage reimbursement or not. Employees without a valid California driver's license are prohibited from driving on County business. Additionally, when driving on County business, employees are required to carry a "County of Los Angeles Report of Vehicle Collision or Incident" form in his or her vehicle. If an employee is involved in a vehicle accident while using his or her personal vehicle on County business, the employee must report the accident in accordance with the instructions on the form.

BOBBI ANDERSON'S RETIREMENT PARTY - Rudy Rousseau

Mr. Rousseau announced that the retirement party for Head Secretary Bobbi Anderson will be on December 4, 2003, at 6:30 p.m., at the Radisson Hotel, 6161 Centinela Ave., Culver City, CA 90230. Ms. Anderson is retiring after 40 years of County service. The amount is \$45.00 payable to the Bobbi Anderson Retirement Fund. RSVP to Edna Hamilton (310) 603-8072 or Barbara Metcalf (323) 226-2956. Flyers for the party were distributed at the meeting for posting at individual offices.

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SPECIAL ANNOUNCEMENT - Michael Concha

Mr. Concha announced the unexpected passing of Investigator Lieutenant Doug Love's wife. The Department sends its heartfelt condolences to Doug and the entire Love family.

The next meeting is **NOVEMBER 13, 2003**, at 2:00 p.m. on the 19th floor of CSFCJC

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